

EXHIBIT A

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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 IN RE TEZOS SECURITIES LITIGATION

Case No: 3:17-cv-06779-RS

21 This document relates to:

CLASS ACTION

22 ALL ACTIONS

23
24 DYNAMIC LEDGER SOLUTIONS,
INC.'S RESPONSE TO FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED BY
LEAD PLAINTIFF

25
26 Judge: Hon. Richard Seeborg
Courtroom 3

1 PROPOUNDING PARTY: LEAD PLAINTIFF

2 RESPONDING PARTY: DEFENDANT DYNAMIC LEDGER SOLUTIONS, INC.

3 SET NUMBER: ONE

4 Defendant Dynamic Ledger Solutions, Inc. ("Defendant") hereby objects and responds to
 5 Lead Plaintiff's (hereinafter, "Lead Plaintiff's") First Set of Requests for Production of Documents,
 6 served upon Defendant's counsel pursuant to Rule 34 of the Federal Rules of Civil Procedure, as
 7 follows:

8 Preliminary Statement

9 Defendant has not yet completed its investigation of the facts relating to this action, has not
 10 yet reviewed all documents relating to this action, has not yet interviewed all witnesses in this action,
 11 and not all depositions have been conducted in this action. Consequently, without undertaking an
 12 obligation to do so, Defendant reserves the right to amend and/or supplement its responses if and
 13 when additional facts or documents are discovered. Additionally, because Defendant's responses are
 14 based on facts and documents that Defendant has identified to date, they do not preclude Defendant
 15 from later relying on facts or documents discovered or generated pursuant to subsequent investigation
 16 or discovery. Defendant's partial response to any of the Requests is not to be construed as a waiver
 17 of any of its objections, including, without limitation, admissibility and duplicative objections, or its
 18 right to object to any other request. Neither a statement that documents will be produced nor an
 19 objection to a particular request is a representation that any documents or things responsive to the
 20 particular request in fact exist. The inadvertent disclosure of privileged information shall not
 21 constitute a waiver of any applicable privilege nor shall any such disclosure be construed as a waiver
 22 of any objection to the admissibility of such information. Defendant's objection to the disclosure of
 23 any information requested by the Requests is not and shall not be construed as an admission by
 24 Defendant that any such information exists.

25 Subject to the general and specific objections set forth below and consistent with its responses
 26 to the individual document requests below, Defendant will produce copies of documents on a rolling
 27 basis, as such documents are reviewed and become available for production. Defendant's production
 28 will begin after entry of an appropriate Protective Order and will be completed on or about 100 days

1 from that date. Defendant will meet and confer with Lead Plaintiff regarding the schedule for
 2 production as necessary, and reserves the right to supplement its production, beyond the forecasted
 3 deadline for completion. This schedule for production is based on the information currently available
 4 to Defendant and the documents Defendant has presently agreed to search for and produce, and is
 5 subject to change depending on the volume of documents discovered and further requests by Lead
 6 Plaintiff.

7 **General Objections**

8 Defendant generally objects to each of the Requests on each of the following grounds, which
 9 are incorporated into and made part of Defendant's response to each individual request:

10 1. Defendant objects to the Requests on the ground and to the extent that they call for
 11 information that does not exist, is not relevant to the subject matter of the pending action and/or is
 12 not reasonably calculated to lead to the discovery of admissible evidence.

13 2. Defendant objects to the Requests on the ground and to the extent that they call for the
 14 disclosure of information protected by third parties' rights to privacy. Defendant is not authorized to
 15 and cannot waive these privacy rights by the disclosure of such information.

16 3. Defendant objects to the Requests on the ground and to the extent that they seek
 17 confidential business and trade secret information.

18 4. Defendant objects to the Requests on the ground and to the extent that they are vague
 19 and ambiguous.

20 5. Defendant objects to the Requests on the ground and to the extent that they are
 21 otherwise overly broad, unduly burdensome and oppressive.

22 6. Defendant objects to the Requests on the ground and to the extent that the Requests
 23 seek to impose obligations greater than or more extensive than those provided by Rule 34 of the
 24 Federal Rules of Civil Procedure.

25 7. Defendant objects to each and every Request to the extent that it seeks documents and
 26 things protected by the attorney-client privilege, attorney work-product doctrine, the marital
 27 communications privilege, or any other applicable privilege.

1 8. Defendant objects to the extent the Requests seek documents and things already in
 2 Lead Plaintiff's possession, custody, or control, and/or equally available to Lead Plaintiff.

3 9. Defendant objects to each and every Request to the extent they seek documents whose
 4 production is limited or prohibited by applicable law, including, without limitation, laws relating to
 5 personal data and privacy, such as the General Data Protection Regulation, (EU) 2016/679 (May 25,
 6 2018) (prohibiting the transfer of personal data to recipients outside the European Economic Area
 7 absent certain protections), the Swiss Federal Data Protection Act (June 19, 1992) (prohibiting the
 8 transfer of personal data to recipients outside of Switzerland absent certain protections). Articles 271
 9 and 273 of the Swiss Criminal Code, and/or non-disclosure orders from the courts of Switzerland or
 10 other non-U.S. authorities.

11 10. Defendant objects to the Requests to the extent that they seek the production of
 12 documents that are protected by bank confidentiality laws or related laws of foreign nations, including
 13 without limitation Swiss laws or regulations concerning customer confidentiality, privacy, and bank
 14 secrecy, the disclosure of which would contravene or violate such laws or regulations, or expose the
 15 Foundation to civil or criminal liability for such disclosures, such as the Swiss Federal Bank Act
 16 (Nov. 8, 1934).

17 11. Defendant objects to each and every Request to the extent that it purports to be a
 18 "continuing request" for future production of documents and things of which Defendant does not
 19 currently have possession, custody, or control.

20 12. Defendant reserves the right to amend and/or modify these responses in the event of
 21 error, inadvertent mistake, and/or omission.

22 13. Without asserting an obligation to do so, and without waiving these objections,
 23 Defendant reserves the right to amend, modify, and/or supplement these responses as and when
 24 additional documents and things are discovered. Investigation and discovery are ongoing.
 25 Defendant's objections and responses are made in good faith and after diligent inquiry based on
 26 investigation and discovery conducted and identified to date. Defendant provides these objections
 27 and responses without prejudice to its right to present further facts, information, documents, things,
 28 evidence, or analyses not yet obtained or identified or subject to further investigation or discovery.

1 Objections to Definitions

2 Defendant objects to the definitions offered by Lead Plaintiff on the following grounds.

3 which are incorporated into and made part of Defendant's response to each individual request:

4 1. Defendant objects to the definitions of "Bitcoin Suisse," and "Draper Associates
5 Crypto", and "Tezos Foundation" on the grounds that they are overbroad and purport to include
6 persons and entities that are not reasonably ascertainable. Defendant will construe these terms to
7 refer only to Bitcoin Suisse AG, Draper Associates V Crypto LLC, and Tezos Stiftung.
8 respectively.

9 2. Defendant objects to the definitions of "Communication" and "Documents" on the
10 grounds that they are overly broad, unduly burdensome and to the extent that they seek to impose
11 discovery obligations beyond or inconsistent with those set forth in the applicable treaties and rules,
12 including Federal Rule of Civil Procedure 34(a)(1)(A).

13 3. Defendant objects to the definition of "DLS" on the grounds that it calls for
14 information protected by the attorney-client privilege because it purports to include the DLS's
15 attorneys. Defendant further objects to the definition of "DLS" on the grounds that it calls for
16 information not in Defendant's possession, custody, and control because it purports to include
17 DLS's "advisors, consultants, and vendors."

18 4. Defendant objects to the definition of "Tezos ICO" on the grounds that it assumes
19 facts and legal conclusions that are disputed or erroneous. Defendant will refer to the fundraiser
20 conducted in July 2017 as the "Fundraiser."

21 5. Defendant objects to the definition of "Relevant Time Period" on the grounds that it
22 is overly broad, unduly burdensome, and neither relevant nor proportional to the needs of this case
23 to the extent that it purports to require Defendant to identify and produce documents post-dating
24 both the Fundraiser and the initiation of this action. Except where expressly noted. Defendant will
25 only search for documents dating prior to November 26, 2017, which is the date of the first-filed
26 complaint in the Consolidated Action.

27 6. Defendant objects to the definition of "Tezos Project" on the grounds that it
28 incorporates disputed and erroneous allegations of the Complaint.

1 **Specific Responses And Objections To Requests For Production Set One**

2 **REQUEST FOR PRODUCTION NO. 1:**

3 All documents identified or referred to in Your answers to any interrogatories served by Lead
4 Plaintiff on Defendants Dynamic Ledger Solutions, Inc.. Kathleen Breitman and Arthur Breitman,
5 without regard to the date of the document.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1.:**

7 Defendant incorporates by reference the general objections and objections to definitions set
8 forth above. Defendant specifically objects to this request on the grounds that (a) documents sought
9 are already in the possession, custody or control of Lead Plaintiff or obtainable from some other
10 source that is more convenient, less burdensome or less expensive; (b) the request is overbroad,
11 unduly burdensome, oppressive, and harassing; (c) the request seeks documents protected by the
12 attorney-client privilege, the attorney work-product doctrine, common interest doctrine, and/or other
13 applicable privilege provided by law; (d) the request seeks documents protected by the marital
14 communications privilege; and (e) the request seeks trade secret, confidential, and/or proprietary
15 information, and/or information Defendant is under an obligation to keep confidential.

16 Subject to the foregoing general and specific objections, Defendant responds as follows: Lead
17 Plaintiff has not served any interrogatories on Defendant, and therefore Defendant has no responsive
18 documents at this time.

19 **REQUEST FOR PRODUCTION NO. 2:**

20 All documents concerning the organization or incorporation of DLS.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

22 Defendant incorporates by reference the general objections and objections to definitions set
23 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
24 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
25 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
26 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
27 the request is vague and ambiguous; (d) the request is overbroad, unduly burdensome, oppressive,
28 and harassing; (e) the request seeks documents protected by the attorney-client privilege, the attorney

1 work-product doctrine, common interest doctrine, and/or other applicable privilege provided by law;
 2 (d) the request seeks documents protected by the marital communications privilege; and (f) the request
 3 seeks trade secret, confidential, and/or proprietary information, and/or information Defendant is under
 4 an obligation to keep confidential.

5 Subject to the foregoing general and specific objections, Defendant responds as follows:
 6 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 7 and produce responsive non-privileged documents sufficient to show the organization or
 8 incorporation of DLS that are within its possession, custody, or control on a rolling basis following
 9 entry of an appropriate Protective Order, to be concluded within 100 days of the date thereof;
 10 provided; however, that Defendant will produce documents only to the extent that it is permitted to
 11 do so by applicable law.

12 **REQUEST FOR PRODUCTION NO. 3:**

13 All documents concerning the organization or incorporation of the Tezos Foundation, and the
 14 work performed by the DLS Defendants, Draper, Draper Associates Crypto or any other investor of
 15 DLS in organizing and incorporating the Tezos Foundation, including but not limited to
 16 communications discussing the reasons why the Tezos Foundation was formed and the decision to
 17 form the Tezos Foundation as a Swiss entity.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Defendant incorporates by reference the general objections and objections to definitions set
 20 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 21 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 22 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 23 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 24 the undefined term “work performed” is vague and ambiguous; (d) the request is overbroad, unduly
 25 burdensome, oppressive, and harassing; (e) the request seeks documents protected by the attorney-
 26 client privilege, the attorney work-product doctrine, common interest doctrine, and/or other
 27 applicable privilege provided by law; (f) the request seeks documents protected by the marital
 28 communications privilege; and (g) the request seeks trade secret, confidential, and/or proprietary

1 information, and/or information Defendant is under an obligation to keep confidential.

2 Subject to the foregoing general and specific objections, Defendant responds as follows:
 3 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 4 and produce responsive non-privileged documents sufficient to show the organization or
 5 incorporation of Tezos Stiftung (the “Foundation”) that are within its possession, custody or control
 6 on a rolling basis following entry of an appropriate Protective Order, to be concluded within 100 days
 7 of the date thereof; provided; however, that Defendant will produce documents only to the extent that
 8 it is permitted to do so by applicable law.

9 **REQUEST FOR PRODUCTION NO. 4:**

10 All documents concerning the investment in and ownership of DLS, including but not limited
 11 to: (a) the acquisition of a 10% interest in DLS by Draper Associates Crypto, as described in the
 12 Memorandum of Points and Authorities in Support of the Motion of Defendants Timothy C. Draper
 13 and Draper Associates V Crypto LLC to Dismiss Consolidated Complaint, Dkt. No. 117, at 5 n.5;
 14 and (b) the investments by Polychain Capital and any “Early Backers” referenced in Section 3.5 of
 15 the Tezos Overview.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

17 Defendant incorporates by reference the general objections and objections to definitions set
 18 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 19 trade secret, confidential, and/or proprietary information, and/or information Defendant is under an
 20 obligation to keep confidential, including in connection with the “Early Backers” referenced in
 21 Section 3.5 of the Tezos Overview; (b) the request seeks documents that are neither relevant to the
 22 claims or defenses at issue nor proportional to the needs of the case; (c) documents sought are already
 23 in the possession, custody or control of Lead Plaintiff or obtainable from some other source that is
 24 more convenient, less burdensome or less expensive; (d) the request is vague and ambiguous; (e) the
 25 request is overbroad, unduly burdensome, oppressive, and harassing; (f) the request seeks documents
 26 protected by the attorney-client privilege, the attorney work-product doctrine, common interest
 27 doctrine and/or other applicable privilege provided by law; and (g) the request seeks documents
 28 protected by the marital communications privilege.

1 Subject to the foregoing general and specific objections, Defendant responds as follows:
 2 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 3 and produce responsive non-privileged documentation sufficient to show the equity interests of
 4 Arthur Breitman, Kathleen Breitman and Draper Associates V. Crypto LLC in DLS that are within
 5 its possession, custody, or control on a rolling basis following entry of an appropriate Protective
 6 Order, to be concluded within 100 days of the date thereof; provided; however, that Defendant will
 7 produce documents only to the extent that it is permitted to do so by applicable law.

8 **REQUEST FOR PRODUCTION NO. 5:**

9 All documents concerning the private pre-sale of Tezos tokens by the DLS Defendants
 10 conducted between approximately September 2016 and March 2017, as alleged in the Complaint, ¶
 11 36.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

13 Defendant incorporates by reference the general objections and objections to definitions set
 14 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 15 trade secret, confidential, and/or proprietary information, and/or information Defendant is under an
 16 obligation to keep confidential; (b) the request seeks documents that are neither relevant to the claims
 17 or defenses at issue nor proportional to the needs of the case; (c) documents sought are already in the
 18 possession, custody or control of Lead Plaintiff or obtainable from some other source that is more
 19 convenient, less burdensome or less expensive; (d) the undefined term "private pre-sale" is vague and
 20 ambiguous; (e) the request is overbroad, unduly burdensome, oppressive, and harassing; (f) the
 21 request seeks documents protected by the attorney-client privilege, the attorney work-product
 22 doctrine, common interest doctrine and/or other applicable privilege provided by law; and (g) the
 23 request seeks documents protected by the marital communications privilege.

24 Subject to the foregoing general and specific objections, Defendant responds as follows:
 25 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

26 //
 27 //
 28 //

1 **REQUEST FOR PRODUCTION NO. 6**

2 All documents concerning records of meetings of the DLS Board, including but not limited to
 3 minutes, agendas, reports, presentations and communications exchanged concerning such meetings.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

5 Defendant incorporates by reference the general objections and objections to definitions set
 6 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 7 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 8 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 9 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 10 the request is vague and ambiguous; (d) the request is overbroad, unduly burdensome, oppressive,
 11 and harassing; (e) the request seeks documents protected by the attorney-client privilege, the attorney
 12 work-product doctrine, common interest doctrine and/or other applicable privilege provided by law;
 13 (f) the request seeks documents protected by the marital communications privilege; and (g) the request
 14 seeks trade secret, confidential, and/or proprietary information, and/or information Defendant is under
 15 an obligation to keep confidential.

16 Subject to the foregoing general and specific objections, Defendant responds as follows:
 17 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

18 **REQUEST FOR PRODUCTION NO. 7**

19 All documents concerning the "contractual agreement" between Tezos Foundation and DLS,
 20 as described in the Transparency Memo, and as alleged in the Complaint, ¶ 47.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

22 Defendant incorporates by reference the general objections and objections to definitions set
 23 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 24 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 25 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 26 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 27 the request is vague and ambiguous; (d) the request is overbroad, unduly burdensome, oppressive,
 28 and harassing; (e) the request seeks documents protected by the attorney-client privilege, the attorney

1 work-product doctrine, common interest doctrine and/or other applicable privilege provided by law;
 2 (f) the request seeks documents protected by the marital communications privilege; and (g) the request
 3 seeks trade secret, confidential, and/or proprietary information, and/or information Defendant is under
 4 an obligation to keep confidential.

5 Subject to the foregoing general and specific objections, Defendant responds as follows:

6 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 7 and produce the agreement between Foundation and DLS described in the Transparency Memo to
 8 that is within its possession, custody, or control on a rolling basis following entry of an appropriate
 9 Protective Order, to be concluded within 100 days of the date thereof; provided; however, that
 10 Defendant will produce documents only to the extent that it is permitted to do so by applicable law.

11 **REQUEST FOR PRODUCTION NO. 8:**

12 All documents concerning any other agreement, arrangement or understanding between Tezos
 13 Foundation, on the one hand, and any of the DLS Defendants, on the other hand.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

15 Defendant incorporates by reference the general objections and objections to definitions set
 16 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 17 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 18 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 19 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 20 the undefined terms "agreement," "arrangement," and "understanding" are vague and ambiguous; (d)
 21 the request is overbroad, unduly burdensome, oppressive, and harassing; (e) the request seeks
 22 documents protected by the attorney-client privilege, the attorney work-product doctrine, common
 23 interest doctrine and/or other applicable privilege provided by law; (f) the request seeks documents
 24 protected by the marital communications privilege; and (g) the request seeks trade secret, confidential,
 25 and/or proprietary information, and/or information Defendant is under an obligation to keep
 26 confidential.

27 Subject to the foregoing general and specific objections, Defendant responds as follows:

28 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017

1 and produce responsive non-privileged contractual agreements between the Foundation and any of
 2 the DLS Defendants concerning the Fundraiser that are within its possession, custody, or control on
 3 a rolling basis following entry of an appropriate Protective Order, to be concluded within 100 days
 4 of the date thereof; provided; however, that Defendant will produce documents only to the extent
 5 that it is permitted to do so by applicable law.

6 **REQUEST FOR PRODUCTION NO. 9:**

7 All documents concerning the funds raised in the Tezos ICO, including but not limited to:
 8 (a) documents concerning identifying information and location of the persons from whom
 the funds were raised and the amounts raised from each such person;
 9 (b) documents concerning the custody, investment or other disposition of the funds raised
 10 in the Tezos ICO; and
 11 (c) documents concerning any agreement or arrangement between Tezos Foundation and
 12 Bitcoin Suisse, including any agreement or arrangement by which Bitcoin Suisse was
 13 designated a “mandatory co-signatory on all crypto-asset transactions,” as alleged in
 14 the Complaint, at ¶ 26.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

17 Defendant incorporates by reference the general objections and objections to definitions set
 18 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 19 trade secret, confidential, and/or proprietary information, and/or information Defendant is under an
 20 obligation to keep confidential with regard to financial information and any identifying information
 21 and the location of persons from whom funds were raised; (b) the request seeks documents that are
 22 neither relevant to the claims or defenses at issue nor proportional to the needs of the case, including
 23 with regard to any agreements or arrangements with Bitcion Suisse now that Bitcoin Suisse has been
 24 dismissed; (c) documents sought are already in the possession, custody or control of Lead Plaintiff or
 25 obtainable from some other source that is more convenient, less burdensome or less expensive; (d)
 26 the term “Tezos ICO” is a factual mischaracterization; (e) the request is vague and ambiguous; (f) the
 27 request is overbroad, unduly burdensome, oppressive, and harassing; (g) the request seeks documents
 28 protected by the attorney-client privilege, the attorney work-product doctrine, common interest

1 doctrine and/or other applicable privilege provided by law; and (h) the request seeks documents
2 protected by the marital communications privilege.

3 Subject to the foregoing general and specific objections, Defendant responds as follows:
4 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

5 **REQUEST FOR PRODUCTION NO. 10:**

6 All documents concerning the marketing and promotion of the Tezos ICO and the Tezos
7 Project, including but not limited to:

- 8 (a) all communications by Kathleen and Arthur Breitman posted on social media, including
9 but not limited to communications posted on Reddit under the usernames “murbard,”
10 “abtezos” and “breitwoman,” and tweets posted in the Twitter accounts @tez0s,
11 @tezos, @TezosFoundation, @breitwoman and @ArthurB;
12 (b) all interviews, speeches and presentations given by the DLS Defendants;
13 (c) any communications between the DLS Defendants and the Tezos Foundation
14 concerning the marketing and promotion of the Tezos ICO and the Tezos Project.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

16 Defendant incorporates by reference the general objections and objections to definitions set
17 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
18 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
19 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
20 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
21 the term “Tezos ICO” is a factual mischaracterization; (d) the request is vague and ambiguous; (e)
22 the request is overbroad, unduly burdensome, oppressive, and harassing; (f) the request seeks
23 documents protected by the attorney-client privilege, the attorney work-product doctrine, common
24 interest doctrine and/or other applicable privilege provided by law; (g) the request seeks documents
25 protected by the marital communications privilege; and (h) the request seeks trade secret, confidential,
26 and/or proprietary information, and/or information Defendant is under an obligation to keep
27 confidential.

28

1 Subject to the foregoing general and specific objections, Defendant responds as follows:

2 Defendant refers Lead Plaintiff to publicly available documentation that is equally available to him.

3 Notwithstanding the foregoing, Defendant will conduct a reasonable search for documents dated on

4 or before November 26, 2017 and produce responsive non-privileged documents consisting of

5 statements published or otherwise made about the Tezos project to the public or community before

6 or during the Fundraiser, including (a) communications by Kathleen and Arthur Breitman posted on

7 social media; and (b) interviews, speeches and presentations given by Defendant or its agents, that

8 are within its possession, custody, or control on a rolling basis following entry of an appropriate

9 Protective Order, to be concluded within 100 days of the date thereof; provided; however, that

10 Defendant will produce documents only to the extent that it is permitted to do so by applicable law.

11 **REQUEST FOR PRODUCTION NO. 11:**

12 All documents concerning the payment of any monies, for any purpose, by the Tezos

13 Foundation to any of the DLS Defendants.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

15 Defendant incorporates by reference the general objections and objections to definitions set

16 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks

17 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of

18 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or

19 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)

20 the request is vague and ambiguous; (d) the request is overbroad, unduly burdensome, oppressive,

21 and harassing; (e) the request seeks documents protected by the attorney-client privilege, the attorney

22 work-product doctrine, common interest doctrine and/or other applicable privilege provided by law;

23 (f) the request seeks documents protected by the marital communications privilege; and (g) the request

24 seeks trade secret, confidential, and/or proprietary information, and/or information Defendant is under

25 an obligation to keep confidential.

26 Subject to the foregoing general and specific objections, Defendant responds as follows:

27 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017

28 and produce responsive non-privileged contractual agreements between the Foundation and DLS

1 described in the Transparency Memo, and as alleged in the Complaint, ¶ 47, that are within its
 2 possession, custody, or control on a rolling basis following entry of an appropriate Protective Order,
 3 to be concluded within 100 days of the date thereof; provided; however, that Defendant will produce
 4 documents only to the extent that it is permitted to do so by applicable law.

5 **REQUEST FOR PRODUCTION NO. 12:**

6 All documents concerning the execution of the Tezos ICO, and the allocation of
 7 responsibilities for the execution of the Tezos ICO among and between Tezos Foundation, the DLS
 8 Defendants and any other persons, including but not limited to documents sufficient to identify the
 9 persons responsible for handling the execution of the Tezos ICO and the locations of these persons.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

11 Defendant incorporates by reference the general objections and objections to definitions set
 12 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 13 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 14 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 15 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 16 the term “Tezos ICO” is a factual mischaracterization; (d) the undefined term “responsibilities” is
 17 vague and ambiguous; (e) the request is overbroad, unduly burdensome, oppressive, and harassing;
 18 (f) the request seeks documents protected by the attorney-client privilege, the attorney work-product
 19 doctrine, common interest doctrine and/or other applicable privilege provided by law; (g) the request
 20 seeks documents protected by the marital communications privilege; and (h) the request seeks trade
 21 secret, confidential, and/or proprietary information, and/or information Defendant is under an
 22 obligation to keep confidential.

23 Subject to the foregoing general and specific objections, Defendant responds as follows:
 24 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 25 and produce documents sufficient to show individuals who were involved in the execution of the
 26 Fundraiser that are within its possession, custody, or control on a rolling basis following entry of an
 27 appropriate Protective Order, to be concluded within 100 days of the date thereof; provided;

28

1 however, that Defendant will produce documents only to the extent that it is permitted to do so by
2 applicable law.

3 **REQUEST FOR PRODUCTION NO. 13:**

4 All documents concerning the Contribution Software System (“CSS”), as described in the
5 Contribution Terms at ¶¶ 6, 7, 19, 20, 25, 26, 37, 38, 39, 42 and 43, including but not limited to: (a)
6 the function(s) and purpose(s) of the CSS; (b) the “location” of the CSS; (c) the location of the server
7 where all the files underlying the CSS are stored; and (d) the data and information purportedly
8 generated by the CSS.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

10 Defendant incorporates by reference the general objections and objections to definitions set
11 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
12 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
13 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
14 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
15 the request for “all documents concerning the CSS” is vague and ambiguous; (d) the request for “all
16 documents concerning the CSS” and the request for “data and information purportedly generated by
17 the CSS” are overbroad, unduly burdensome, oppressive, and harassing; (e) the request seeks
18 documents protected by the attorney-client privilege, the attorney work-product doctrine, common
19 interest doctrine and/or other applicable privilege provided by law; (f) the request seeks documents
20 protected by the marital communications privilege; and (g) the request seeks trade secret, confidential,
21 and/or proprietary information, and/or information Defendant is under an obligation to keep
22 confidential.

23 Subject to the foregoing general and specific objections, Defendant responds as follows:
24 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
25 and produce responsive non-privileged documentation sufficient to show the location of the servers
26 that hosted the Contribution Software System that are within its possession, custody, or control on a
27 rolling basis following entry of an appropriate Protective Order, to be concluded within 100 days of
28

1 the date thereof; provided; however, that Defendant will produce documents only to the extent that
 2 it is permitted to do so by applicable law.

3 **REQUEST FOR PRODUCTION NO. 14:**

4 All documents concerning the “Contribution Software,” as described in the Contribution
 5 Terms at ¶¶ 17, 18, 19, 37, 38, 39, 42, 43, and 46, including but not limited to: (a) the function(s) and
 6 purpose(s) of the Contribution Software; (b) the “location” of the Contribution Software; (c) the
 7 location of the server where all the files underlying the Contribution Software are stored; and (d) the
 8 data and information purportedly generated by the Contribution Software.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

10 Defendant incorporates by reference the general objections and objections to definitions set
 11 forth above. Defendant specifically objects to this request on the grounds and to the extent that it is
 12 duplicative of Request for Production No. 13 and on the grounds that (a) the request seeks documents
 13 that are neither relevant to the claims or defenses at issue nor proportional to the needs of the case;
 14 (b) documents sought are already in the possession, custody or control of Lead Plaintiff or obtainable
 15 from some other source that is more convenient, less burdensome or less expensive; (c) the request
 16 for “all documents concerning the Contribution Software” is vague and ambiguous; (d) the request
 17 for “all documents concerning the Contribution Software” and the request for “data and information
 18 purportedly generated by the Contribution Software” are overbroad, unduly burdensome, oppressive,
 19 and harassing; (e) the request seeks documents protected by the attorney-client privilege, the attorney
 20 work-product doctrine, common interest doctrine and/or other applicable privilege provided by law;
 21 (f) the request seeks documents protected by the marital communications privilege; and (g) the request
 22 seeks trade secret, confidential, and/or proprietary information, and/or information Defendant is under
 23 an obligation to keep confidential.

24 Subject to the foregoing general and specific objections, Defendant responds as follows:
 25 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 26 and produce responsive non-privileged documentation sufficient to show the location of the servers
 27 that hosted the Contribution Software that are within its possession, custody, or control on a rolling
 28 basis following entry of an appropriate Protective Order, to be concluded within 100 days of the date

1 thereof; provided; however, that Defendant will produce documents only to the extent that it is
2 permitted to do so by applicable law.

3 **REQUEST FOR PRODUCTION NO. 15:**

4 All documents concerning the software technology or "Client," as described in the
5 Contribution Terms, at ¶ 2, including but not limited to: (a) the "location" of the Client; and (b) the
6 location of the server where all the files underlying the Client are stored.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

8 Defendant incorporates by reference the general objections and objections to definitions set
9 forth above. Defendant specifically objects to this request on the grounds and to the extent that it is
10 duplicative of Requests for Production No. 13 and No. 14 and on the grounds that (a) the request
11 seeks documents that are neither relevant to the claims or defenses at issue nor proportional to the
12 needs of the case; (b) documents sought are already in the possession, custody or control of Lead
13 Plaintiff or obtainable from some other source that is more convenient, less burdensome or less
14 expensive; (c) the request for "all documents concerning the software technology or 'Client'" is vague
15 and ambiguous; (d) the request for "all documents concerning the software technology or 'Client'" is
16 overbroad, unduly burdensome, oppressive, and harassing; (e) the request seeks documents protected
17 by the attorney-client privilege, the attorney work-product doctrine, common interest doctrine and/or
18 other applicable privilege provided by law; (f) the request seeks documents protected by the marital
19 communications privilege; and (g) the request seeks trade secret, confidential, and/or proprietary
20 information, and/or information Defendant is under an obligation to keep confidential.

21 Subject to the foregoing general and specific objections, Defendant responds as follows: Defendant
22 will conduct a reasonable search for documents dated on or before November 26, 2017 and produce
23 responsive non-privileged documentation sufficient to show the location of the servers that hosted
24 the Client that are within its possession, custody, or control on a rolling basis following entry of an
25 appropriate Protective Order, to be concluded within 100 days of the date thereof; provided;
26 however, that Defendant will produce documents only to the extent that it is permitted to do so by
27 applicable law.

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1 **REQUEST FOR PRODUCTION NO. 16**

2 All documents concerning the “terms and conditions set forth in the ‘Contribution Software
 3 System’ or ‘CSS’, existing on the blockchain at the addresses published before the start of the
 4 Contribution Period at <https://crowdfund.tezos.com>”, as described in the purported Contribution
 5 Terms, ¶ 6.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

7 Defendant incorporates by reference the general objections and objections to definitions set
 8 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 9 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 10 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 11 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 12 the undefined phrase “All documents concerning” is vague and ambiguous; (d) the request for “All
 13 documents concerning” the “terms and conditions set forth in the ‘Contribution Software System’ or
 14 ‘CSS,’ existing on the blockchain at the addresses published before the start of the Contribution
 15 Period at <https://crowdfund.tezos.com>” is overbroad, unduly burdensome, oppressive, and harassing;
 16 (e) the request seeks documents protected by the attorney-client privilege, the attorney work-product
 17 doctrine, common interest doctrine and/or other applicable privilege provided by law; (f) the request
 18 seeks documents protected by the marital communications privilege; and (g) the request seeks trade
 19 secret, confidential, and/or proprietary information, and/or information Defendant is under an
 20 obligation to keep confidential.

21 Subject to the foregoing general and specific objections, Defendant responds as follows:
 22 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 23 and produce responsive non-privileged documents sufficient to show (a) the “Tezos Contribution and
 24 XTZ Allocation Terms and Explanatory Notes” (the “Contribution Terms”) and (b) the terms and
 25 conditions set forth in the Contribution Software System, if any, that are within its possession,
 26 custody, or control on a rolling basis following entry of an appropriate Protective Order, to be
 27 concluded within 100 days of the date thereof; provided; however, that Defendant will produce
 28 documents only to the extent that it is permitted to do so by applicable law.

1 **REQUEST FOR PRODUCTION NO. 17:**

2 All documents concerning the “separate independent database that creates a summary of the
3 results,” as described in the Tezos Foundation’s July 5, 2017 update.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

5 Defendant incorporates by reference the general objections and objections to definitions set
6 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
7 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
8 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
9 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
10 the request is vague and ambiguous; (d) the request for “All documents concerning” the “separate
11 independent database that creates a summary of the results” is overbroad, unduly burdensome,
12 oppressive, and harassing; (e) the request seeks documents protected by the attorney-client privilege,
13 the attorney work-product doctrine, common interest doctrine and/or other applicable privilege
14 provided by law; (f) the request seeks documents protected by the marital communications privilege;
15 and (g) the request seeks trade secret, confidential, and/or proprietary information, and/or information
16 Defendant is under an obligation to keep confidential.

17 Subject to the foregoing general and specific objections, Defendant responds as follows:
18 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

19 **REQUEST FOR PRODUCTION NO. 18:**

20 All documents concerning the registration, ownership, administration and control of the
21 websites tezos.ch, tezos.com, crowdfund.tezos.com and tezosfoundation.ch, including but not limited
22 to documents reflecting the hosting of these websites/subdomains and the location of the servers
23 where each of these websites/subdomains is hosted.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

25 Defendant incorporates by reference the general objections and objections to definitions set
26 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
27 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
28 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or

1 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 2 the request is vague and ambiguous; (d) the request seeks documents protected by the attorney-client
 3 privilege, the attorney work-product doctrine, common interest doctrine and/or other applicable
 4 privilege provided by law; (e) the request is overbroad, unduly burdensome, oppressive, and
 5 harassing; (f) the request seeks documents protected by the marital communications privilege; and
 6 (g) the request seeks trade secret, confidential, and/or proprietary information, and/or information
 7 Defendant is under an obligation to keep confidential.

8 Subject to the foregoing general and specific objections, Defendant responds as follows:
 9 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 10 and produce responsive non-privileged documentation sufficient to show location of the servers that
 11 hosted the websites or subdomains identified in this request that are within its possession, custody, or
 12 control on a rolling basis following entry of an appropriate Protective Order, to be concluded within
 13 100 days of the date thereof; provided; however, that Defendant will produce documents only to the
 14 extent that it is permitted to do so by applicable law.

15 **REQUEST FOR PRODUCTION NO. 19:**

16 All documents concerning the registration, ownership, administration and control of the
 17 Twitter accounts @tez0s, @tezos, @TezosFoundation, @breitwoman and @ArthurB.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

19 Defendant incorporates by reference the general objections and objections to definitions set
 20 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 21 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 22 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 23 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 24 the request is vague and ambiguous; (d) the request seeks documents protected by the attorney-client
 25 privilege, the attorney work-product doctrine, common interest doctrine and/or other applicable
 26 privilege provided by law; (e) the request is overbroad, unduly burdensome, oppressive, and
 27 harassing; (g) the request seeks documents protected by the marital communications privilege; and
 28 (g) the request seeks trade secret, confidential, and/or proprietary information, and/or information

1 Defendant is under an obligation to keep confidential.

2 Subject to the foregoing general and specific objections, Defendant responds as follows:

3 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

4 **REQUEST FOR PRODUCTION NO. 20:**

5 All documents concerning the Tezos Foundation's and/or the DLS Defendants' development
6 of the Tezos Project, including but not limited to:

- 7 (a) all work performed by the Tezos Foundation and/or the DLS Defendants to achieve
8 the "Development Goals" and "Research Goals" described in the Tezos Overview, at
9 16-18;
- 10 (b) the hiring of employees or outside contractors to develop, complete, maintain and
11 promote the Tezos Project, including the "development team" referred to in the Tezos
12 Overview, at 16, and the persons identified in the Tezos Overview, at 19;
- 13 (c) the Tezos Foundation's and/or DLS Defendants' management and oversight of the
14 work performed by third parties to develop the Tezos Project;
- 15 (d) the issue of grants to third parties such as Cornell University (Emin Gün Sirer), the
16 University of Beira Interior, Decet Consulting, and France-IOI, as announced by the
17 Tezos Foundation on August 9, 2018;
- 18 (e) all payments for services made by the Tezos Foundation to benefit the promotion of
19 the Tezos protocol, as described in the Tezos Overview, at 13;
- 20 (f) any audits of the Tezos codebase conducted by code auditing services including but
21 not limited to Inria; and
- 22 (g) any partnerships with third parties to develop applications on the Tezos protocol,
23 including but not limited to the Tezos Foundation's partnership with Obsidian Systems
24 announced on March 10, 2018.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

26 Defendant incorporates by reference the general objections and objections to definitions set
27 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
28 trade secret, confidential, and/or proprietary information, and/or information Defendant is under an

1 obligation to keep confidential; (b) the request seeks documents that are neither relevant to the claims
 2 or defenses at issue nor proportional to the needs of the case; (c) documents sought are already in the
 3 possession, custody or control of Lead Plaintiff or obtainable from some other source, which is more
 4 convenient, less burdensome or less expensive (e.g., subparts (d), (e), (f), and (g) seek documents that
 5 may be within the possession, custody or control of the Foundation); (d) the undefined terms “work
 6 performed” and “partnerships” are vague and ambiguous; (e) the request is overbroad, unduly
 7 burdensome, oppressive, and harassing; (f) the request seeks documents protected by the attorney-
 8 client privilege, the attorney work-product doctrine, common interest doctrine and/or other applicable
 9 privilege provided by law; and (g) the request seeks documents protected by the marital
 10 communications privilege.

11 Subject to the foregoing general and specific objections, Defendant responds as follows:
 12 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
 13 and produce responsive non-privileged documents sufficient to show the pre-Fundraiser efforts of
 14 DLS to assist with development of the Tezos project, including the Tezos Overview, Transparency
 15 Memo, blog posts, public posts, and other materials, that are within its possession, custody, or control
 16 on a rolling basis following entry of an appropriate Protective Order, to be concluded within 100 days
 17 of the date thereof; provided; however, that Defendant will produce documents only to the extent that
 18 it is permitted to do so by applicable law.

19 **REQUEST FOR PRODUCTION NO. 21:**

20 All documents concerning communications among and between any of the DLS Defendants'
 21 employees or DLS Board members, concerning the Tezos Project and the Tezos ICO.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

23 Defendant incorporates by reference the general objections and objections to definitions set
 24 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 25 documents protected by the marital communications privilege to the extent that it seeks
 26 communications between Kathleen and Arthur Breitman; (b) the request seeks documents that are
 27 neither relevant to the claims or defenses at issue nor proportional to the needs of the case; (c)
 28 documents sought are already in the possession, custody or control of Lead Plaintiff or obtainable

1 from some other source that is more convenient, less burdensome or less expensive; (d) the term
 2 “Tezos ICO” is a factual mischaracterization; (e) the request for “documents concerning
 3 communications” is vague and ambiguous; (f) the request is overbroad, unduly burdensome,
 4 oppressive, and harassing; (g) the request seeks documents protected by the attorney-client privilege,
 5 the attorney work-product doctrine, common interest doctrine and/or other applicable privilege
 6 provided by law; and (h) the request seeks trade secret, confidential, and/or proprietary information,
 7 and/or information Defendant is under an obligation to keep confidential.

8 Subject to the foregoing general and specific objections, Defendant responds as follows:
 9 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

10 **REQUEST FOR PRODUCTION NO. 22:**

11 All documents concerning communications between the DLS Defendants, on the one hand,
 12 and the Tezos Foundation, Draper, Draper Associates Crypto, Bitcoin Suisse, Polychain Capital and
 13 any “Early Backers” referenced in Section 3.5 of the Tezos Overview, on the other hand, concerning
 14 the Tezos Project and the Tezos ICO.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

16 Defendant incorporates by reference the general objections and objections to definitions set
 17 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 18 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 19 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 20 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 21 the term “Tezos ICO” is a factual mischaracterization; (d) the request for “documents concerning
 22 communications” is vague and ambiguous; (e) the request is overbroad, unduly burdensome,
 23 oppressive, and harassing; (f) the request seeks documents protected by the attorney-client privilege,
 24 the attorney work-product doctrine, common interest doctrine and/or other applicable privilege
 25 provided by law; (g) the request seeks documents protected by the marital communications privilege;
 26 and (h) the request seeks trade secret, confidential, and/or proprietary information, and/or information
 27 Defendant is under an obligation to keep confidential.

1 Subject to the foregoing general and specific objections, Defendant responds as follows:
2 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

3 **REQUEST FOR PRODUCTION NO. 23:**

4 All documents concerning the DLS Defendants' public communications concerning the Tezos
5 Project and the Tezos ICO, regardless of form and forum, including but not limited to drafts of such
6 communications and documents sufficient to identify the author of each such draft.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

8 Defendant incorporates by reference the general objections and objections to definitions set
9 forth above. Defendant specifically objects to this request on the grounds that (a) the request is
10 overbroad, unduly burdensome, oppressive, and harassing, including with respect to the demand for
11 "drafts" of the requested documents; (b) the request seeks documents that are neither relevant to the
12 claims or defenses at issue nor proportional to the needs of the case; (c) documents sought are already
13 in the possession, custody or control of Lead Plaintiff or obtainable from some other source that is
14 more convenient, less burdensome or less expensive; (d) the request seeks documents protected by
15 the attorney-client privilege, the attorney work-product doctrine, common interest doctrine and/or
16 other applicable privilege provided by law; (e) the term "Tezos ICO" is a factual mischaracterization;
17 (g) the request is vague and ambiguous; and (g) the request seeks trade secret, confidential, and/or
18 proprietary information, and/or information Defendant is under an obligation to keep confidential.

19 Subject to the foregoing general and specific objections, Defendant responds as follows:
20 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
21 and produce responsive non-privilege documents within its possession, custody or control, consisting
22 of the DLS Defendants' public communications concerning the Tezos project and Fundraiser that are
23 within its possession, custody, or control on a rolling basis following entry of an appropriate
24 Protective Order, to be concluded within 100 days of the date thereof; provided; however, that
25 Defendant will produce documents only to the extent that it is permitted to do so by applicable law.

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1 **REQUEST FOR PRODUCTION NO. 24:**

2 All documents concerning any communications between the DLS Defendants, on the one
3 hand, and the SEC or any other regulator or governmental agency, on the other hand. This Document
4 Request includes all documents produced to any regulator or governmental agency.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

6 Defendant incorporates by reference the general objections and objections to definitions set
7 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
8 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
9 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
10 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
11 the request for “documents concerning any communications” is vague and ambiguous; (d) the request
12 is overbroad, unduly burdensome, oppressive, and harassing; (e) the request seeks documents
13 protected by the attorney-client privilege, the attorney work-product doctrine, common interest
14 doctrine and/or other applicable privilege provided by law; and (f) the request seeks trade secret,
15 confidential, and/or proprietary information, and/or information Defendant is under an obligation to
16 keep confidential.

17 Subject to the foregoing general and specific objections, Defendant responds as follows:
18 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

19 **REQUEST FOR PRODUCTION NO. 25:**

20 All documents concerning any audits of the Tezos Foundation, including but not limited to
21 the audit by Pricewaterhousecoopers announced on July 24, 2018.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

23 Defendant incorporates by reference the general objections and objections to definitions set
24 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
25 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
26 the case, given that the audit by Pricewaterhousecoopers occurred well after the Fundraiser; (b)
27 documents sought are already in the possession, custody or control of Lead Plaintiff or obtainable
28 from some other source that is more convenient, less burdensome or less expensive; (c) the request is

1 vague and ambiguous; (d) the request is overbroad, unduly burdensome, oppressive, and harassing;
 2 (e) the request seeks documents protected by the attorney-client privilege, the attorney work-product
 3 doctrine, common interest doctrine and/or other applicable privilege provided by law; (f) the request
 4 seeks documents protected by the marital communications privilege; and (g) the request seeks trade
 5 secret, confidential, and/or proprietary information, and/or information Defendant is under an
 6 obligation to keep confidential.

7 Subject to the foregoing general and specific objections, Defendant responds as follows:
 8 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

9 **REQUEST FOR PRODUCTION NO. 26:**

10 All documents concerning the listing and trading of Tezos tokens on any exchange, alternative
 11 trading system or order execution venue, including any communications among and between the DLS
 12 Defendants, and any communications between the DLS Defendants, on the one hand, and any
 13 exchange, alternative trading system, order execution venue, intermediaries and market-makers for
 14 Tezos tokens, on the other hand.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

16 Defendant incorporates by reference the general objections and objections to definitions set
 17 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 18 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 19 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 20 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 21 the undefined terms “exchange,” “alternative trading system,” “order execution venue,”
 22 “intermediaries,” and “market-makers” are vague and ambiguous; (d) the request is overbroad, unduly
 23 burdensome, oppressive, and harassing; (e) the request seeks documents protected by the attorney-
 24 client privilege, the attorney work-product doctrine, common interest doctrine and/or other applicable
 25 privilege provided by law; (f) the request seeks documents protected by the marital communications
 26 privilege; and (g) the request seeks trade secret, confidential, and/or proprietary information, and/or
 27 information Defendant is under an obligation to keep confidential.

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1 Subject to the foregoing general and specific objections, Defendant responds as follows:
 2 Defendant refers Lead Plaintiff to responsive information through CoinMarketCap and other publicly
 3 available resources. To the extent that Lead Plaintiff seeks other information, Defendant offers to
 4 meet and confer with Lead Plaintiff regarding the scope of this request.

5 **REQUEST FOR PRODUCTION NO. 27:**

6 All documents concerning the “KYC/AML Process,” implemented by the Tezos Foundation
 7 on June 10, 2018 and available at <https://verification.tezos.com/>, including but not limited to all
 8 responses submitted to the KYC/AML Process.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

10 Defendant incorporates by reference the general objections and objections to definitions set
 11 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 12 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 13 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 14 obtainable from some other source, which is more convenient, less burdensome or less expensive; (c)
 15 the request is vague and ambiguous; (d) the request seeks documents protected by the attorney-client
 16 privilege, the attorney work-product doctrine, common interest doctrine and/or other applicable
 17 privilege provided by law; (e) the request is overbroad, unduly burdensome, oppressive, and
 18 harassing; and (f) the request seeks trade secret, confidential, and/or proprietary information, and/or
 19 information Defendant is under an obligation to keep confidential.

20 Subject to the foregoing general and specific objections, Defendant responds as follows:
 21 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

22 **REQUEST FOR PRODUCTION NO. 28:**

23 All documents concerning the provision of services to the Tezos Foundation or the DLS
 24 Defendants by any person in the United States, including but not limited to Ross Kenyon. The
 25 documents responsive to this Request include but are not limited to documents concerning the
 26 employment, hiring and retention of such persons.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

2 Defendant incorporates by reference the general objections and objections to definitions set
 3 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 4 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 5 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 6 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 7 the undefined term “provision of services” is vague and ambiguous; (d) the request is overbroad,
 8 unduly burdensome, oppressive, and harassing; (e) the request seeks documents protected by the
 9 attorney-client privilege, the attorney work-product doctrine, common interest doctrine and/or other
 10 applicable privilege provided by law; (f) the request seeks documents protected by the marital
 11 communications privilege; and (g) the request seeks trade secret, confidential, and/or proprietary
 12 information, and/or information Defendant is under an obligation to keep confidential.

13 Subject to the foregoing general and specific objections, Defendant responds as follows:
 14 Defendant offers to meet and confer with Lead Plaintiff regarding the scope of this request.

15 **REQUEST FOR PRODUCTION NO. 29:**

16 All documents concerning any policy or practice of the DLS Defendants concerning the
 17 destruction or retention of records, files or other documents.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

19 Defendant incorporates by reference the general objections and objections to definitions set
 20 forth above. Defendant specifically objects to this request on the grounds that (a) the request seeks
 21 documents that are neither relevant to the claims or defenses at issue nor proportional to the needs of
 22 the case; (b) documents sought are already in the possession, custody or control of Lead Plaintiff or
 23 obtainable from some other source that is more convenient, less burdensome or less expensive; (c)
 24 the request is vague and ambiguous; (d) the request is overbroad, unduly burdensome, oppressive,
 25 and harassing; (e) the request seeks documents protected by the attorney-client privilege, the attorney
 26 work-product doctrine, common interest doctrine and/or other applicable privilege provided by law;
 27 (f) the request seeks documents protected by the marital communications privilege; and (g) the request
 28 seeks trade secret, confidential, and/or proprietary information, and/or information Defendant is under

1 an obligation to keep confidential.

2 Subject to the foregoing general and specific objections, Defendant responds as follows:
3 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
4 and produce any responsive non-privileged document retention policies that are within its possession,
5 custody, or control on a rolling basis following entry of an appropriate Protective Order, to be
6 concluded within 100 days of the date thereof; provided; however, that Defendant will produce
7 documents only to the extent that it is permitted to do so by applicable law.

8 **REQUEST FOR PRODUCTION NO. 30:**

9 All documents You considered, consulted, relied upon, read, reviewed or analyzed in 6
10 connection with the preparation of Your Answer to the Complaint.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

12 Defendant incorporates by reference the general objections and objections to definitions set
13 forth above. Defendant specifically objects to this request on the grounds that (a) documents sought
14 are already in the possession, custody or control of Lead Plaintiff or obtainable from some other
15 source that is more convenient, less burdensome or less expensive; (b) the request is overbroad,
16 unduly burdensome, oppressive, and harassing; (c) the request is vague and ambiguous; (d) the
17 request seeks documents protected by the attorney-client privilege, the attorney work-product
18 doctrine, common interest doctrine and/or other applicable privilege provided by law; (e) the request
19 seeks documents protected by the marital communications privilege; and (f) the request seeks trade
20 secret, confidential, and/or proprietary information, and/or information Defendant is under an
21 obligation to keep confidential.

22 Subject to the foregoing general and specific objections, Defendant responds as follows:
23 Defendant will conduct a reasonable search for documents dated on or before November 26, 2017
24 and produce responsive non-privileged documents that are within its possession, custody, or control
25 on a rolling basis following entry of an appropriate Protective Order, to be concluded within 100 days
26 of the date thereof; provided; however, that Defendant will produce documents only to the extent that
27 it is permitted to do so by applicable law.

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1 **REQUEST FOR PRODUCTION NO. 31:**

2 All documents that You intend to rely on, introduce as evidence or otherwise use to oppose
3 any motion for class certification, including but not limited to any documents concerning the
4 adequacy of Lead Plaintiff.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

6 Defendant incorporates by reference the general objections and objections to definitions set
7 forth above. Defendant specifically objects to this request on the grounds that (a) documents sought
8 are already in the possession, custody or control of Lead Plaintiff or obtainable from some other
9 source that is more convenient, less burdensome or less expensive; (b) the request is overbroad,
10 unduly burdensome, oppressive, and harassing; (c) the request is vague and ambiguous; (d) the
11 request seeks documents protected by the attorney-client privilege, the attorney work-product
12 doctrine, common interest doctrine and/or other applicable privilege provided by law; (e) the request
13 seeks documents protected by the marital communications privilege; and (f) the request seeks trade
14 secret, confidential, and/or proprietary information, and/or information Defendant is under an
15 obligation to keep confidential.

16 Subject to the foregoing general and specific objections, Defendant responds as follows: It is
17 premature for Defendant to respond to this request given that the hearing date for a motion for class
18 certification is not scheduled until April 2019 and discovery commenced only recently.

19 **REQUEST FOR PRODUCTION NO. 32:**

20 All documents not falling within the above demands that You intend to rely on, introduce as
21 evidence or otherwise use at the trial of this case.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

23 Defendant incorporates by reference the general objections and objections to definitions set
24 forth above. Defendant specifically objects to this request on the grounds that (a) documents sought
25 are already in the possession, custody or control of Lead Plaintiff or obtainable from some other
26 source that is more convenient, less burdensome or less expensive; (b) the request is overbroad,
27 unduly burdensome, oppressive, and harassing; (c) the request is vague and ambiguous; (d) the
28 request seeks documents protected by the attorney-client privilege, the attorney work-product

1 doctrine, common interest doctrine and/or other applicable privilege provided by law; (e) the request
2 seeks documents protected by the marital communications privilege; and (f) the request seeks trade
3 secret, confidential, and/or proprietary information, and/or information Defendant is under an
4 obligation to keep confidential.

5 Subject to the foregoing general and specific objections, Defendant responds as follows: It is
6 premature for Defendant to respond to this request given that no trial date has been set and discovery
7 commenced only recently.

8

9 DATED: September 17, 2018

BAKER MARQUART LLP

10 By: /s/ Scott M. Malzahn

11 Scott M. Malzahn

12 Attorneys for Defendants

13 Dynamic Ledger Solutions, Inc., Kathleen
Breitman and Arthur Breitman

14

DATED: September 17, 2018

COOLEY LLP

15 By: /s/ Jeffrey M. Kaban

16 Jeffrey M. Kaban

17 Attorneys for Defendant Dynamic Ledger
Solutions, Inc.

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1 *In Re: Tezos Securities litigation*
2 Case No. 3:17-CV-06779-RS
3 PROOF OF SERVICE

4 (FRCP 5)

5 I am a citizen of the United States and a resident of the State of California. I am employed
6 in San Francisco County, State of California, in the office of a member of the bar of this Court, at
7 whose direction the service was made. I am over the age of eighteen years, and not a party to the
8 within action. My business address is Cooley LLP, 101 California Street, 5th Floor, San Francisco,
9 California 94111-5800. On the date set forth below I served the documents described below in the
manner described below:

10 • **DYNAMIC LEDGER SOLUTIONS, INC.S' RESPONSE TO FIRST SET OF REQUESTS
11 FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY LEAD PLAINTIFF**



13 (BY OVERNIGHT MAIL) I am personally and readily familiar with the business
14 practice of Cooley LLP for collection and processing of correspondence for
15 overnight delivery, and I caused such document(s) described herein to be deposited
16 for delivery to a facility regularly maintained by FedEx for overnight delivery.



18 (BY ELECTRONIC MAIL) I am personally and readily familiar with the business
19 practice of Cooley LLP for the preparation and processing of documents in portable
20 document format (PDF) for e-mailing, and I caused said documents to be prepared
21 in PDF and then served by electronic mail to the parties listed below.

22 on the following part(ies) in this action:

23 **SEE ATTACHED SERVICE LIST**

24 Executed on September 17, 2018, at San Francisco, California.

25 

26 Adriana R. Vera

SERVICE LIST
In Re: Tezos Securities litigation
Case No. 3:17-CV-06779-RS

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